IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

THURSDAY, THE 22ND MARCH 2007 / 1ST CHAITHRA 1929

WP(C).No. 9461 of 2006(B)

PETITIONER:

COCHIN DEVASWOM EMPLOYEES UNION,
THRISSUR, REP. BY IS GENERAL SECRETARY,
SRI. K.M. MOHANA MARAR.

BY ADV. SRI.M.P.ASHOK KUMAR

RESPONDENTS:
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1. **THE SECRETARY TO GOVT.,**
   DEVASWOM DEPARTMENT, SECRETARIAT,
   THIRUVANANTHAPURAM.

2. **THE COCHIN DEVASWOM BOARD, THRISSUR-1,**
   REPRESENTED BY ITS SECRETARY.

BY ADV. SRI.K.GOPALAKRISHNA KURUP,SC,COCHIN D.B for R2

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 22/03/2007 ALONG WITH WPC NO. 10874 OF 2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC.NO.9461/2006 B

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: COPY OF THE RELEVANT PAGES OF THE HIGH POWER COMMISSION REPORT.

EXT.P2: COPY OF THE ORDER DATED 24/10/1994.

EXT.P3: COPY OF THE RELEVANT PAGES OF THE REVIEW REPORT.

2ND RESPONDENT'S EXHIBITS:

EXT.R2(A): COPY OF JUDGMENT DTD. 6/12/1999 IN O.P.NO.27509/99.

EXT.R2(B): COPY OF JUDGMENT DTD. 13/06/2001 IN CDB.5/1996.

EXT.R2(C): COPY OF ORDER DTD. 30/05/2002 IN DBA.24/2002.

EXT.R2(D): COPY OF ORDER DTD. 4/06/02 IN DBA.24/2002.

EXT.R2(E): COPY OF ORDER DTD. 30/02/2005 IN M.228/05.

EXT.R2(F): COPY OF PROMOTION ORDER NO.M.228/05 DTD.4/04/06.

/TRUE COPY/

KSS

J.B.KOSHY & T.R.RAMACHANDRAN NAIR, JJ.

W.P.(C)Nos.9461 & 10874 OF 2006

Dated 22nd March, 2007

JUDGMENT

Koshy,J.

In the order passed by this court on 11.4.1990 this court directed to appoint a commission to study the entire situation of the second respondent Devaswom Board and make recommendations to the High Court for improving and toning the administration of the Devaswom Board. The High Power Commission pointed out various defects in the administration and mismanagement and suggested as follows:

> "x) The Devaswom Commissioner himself should function as the ex-officio Secretary to the Boards
>
> xi) xx xx xx
>
> xii) Since the existing incumbents in the two Boards are not equipped to take on the redefined responsibilities of the Devaswom Commissioner-cum-Secretary and the Finance & Accounts Officer, the services of suitable officers may be obtained from the Govt. for a period of five years, during which the revised systems and procedures should be introduced and persons in the organization got trained.
>
> Xiii) The Devaswom Commissioner-cum-Secretary should have faith in temple worship and should be a Senior Officer of proven administrative ability, who has preferably worked as District Collector and is of the

> rank of Additional or Special Secretary to Govt. in case of TDB and of the rank of Joint Secretary to Govt. in the case of Cochin Devaswom Board."

as can be seen from Ext.P1 report. On the basis of the above report, one Sri.K.B.Narayana Iyyer was appointed as the Special Devaswom Commissioner on 24.10.1994. Thereafter, a review committee was appointed by this court by order dated 10.09.2002. The review committee made the following recommendations:

> "But then certainly there is need for someone from outside with a proven track-record for efficiency and integrity, preferably a retired officer of the Indian Administrative Service, to be at the helm of the administrative machinery as Special Commissioner for at least a further period of five years. We are constrained to make this suggestion since the Board administration leaves much to be desired. We do not think that the present set up will lend itself to improvement from within that there should be someone from outside to lead and give proper direction to the staff and help the Board to discharge its trust effectively."

as can be seen from Ext.P3. As per the direction issued by this court in W.P.(C)No.5959 of 2005, the Board appointed one Dr.Rajasekharan Nair as the Devaswom Commissioner whose term expired on 30.3.2006. According to the petitioners, Cochin Devaswom Board decided to ignore the report of the

High Power Commission and give promotion to the existing Secretary as the Special Devaswom Commissioner. It is submitted by the petitioners that the present Secretary is studied only up to SSLC and he has no specialized training or any other qualification for administration. In Ext.R2 (b) order in C.D.B.No.5 of 1996, a Division Bench of this court held that Special Devaswom Commissioner should not be below the rank of a Joint Secretary. At that time, names suggested were not acceptable to the court. On the basis of the orders of this court as well as Supreme Court, the Special Commissioner of Cochin Devaswom Board should be vary efficient in administration and should be an IAS officer who is a believer in Hindu faith also, to be in charge as the Special Commissioner. Now four names are submitted by the Government. First person is Sri.K.Chandrasekhara Babu, I.A.S., Director, Employment & Training. He is a serving IAS Officer. It is stated that he has also given his consent and no specific objections were filed regarding him.

2. In the above circumstances, we direct the Cochin Devaswom Board to appoint Sri.Chandrasekhara Babu, I.A.S., Director, Employment & Training as the Special Devaswom Commissioner. Counsel for the second respondent

requested two weeks' time for completing the formalities to issue the appointment order. That is allowed.

The writ petitions are disposed of without prejudice to the right of the parties in filing fresh applications if further directions are necessary. We are also not considering the merits of the allegations raised against any of the respondent in these writ petitions. If any other relief is needed, they are given liberty to file separate petition.

A copy of this judgment is directed to be served on the counsel for the second respondent.

J.B.KOSHY
JUDGE

T.R.RAMACHANDRAN NAIR
JUDGE

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